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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,303	11/25/2003	Cliff A. Pemble	702.255	9099
7590	05/31/2006		EXAMINER	
Devon A. Rolf Garmin International, Inc. 1200 East 151st Street Olathe, KS 66062			CHIN, GARY	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,303	Applicant(s) PEMBLE, CLIFF A.	
	Examiner Gary Chin	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/05 & 9/27/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 14, 18-27, 29-32 and 36-42 are objected to because of the following informalities:

As per claim 14, "the update information" should be "the software" in order to avoid the antecedent basis problem.

As per claims 18-26, 29-32 and 36-42, all on line 1, after "wherein", the word "said" should be inserted to avoid the antecedent basis problem.

As per claims 18-19 and 32, all on line 2, "a radio signal" should be "said radio signal" to avoid the antecedent basis problem. Similarly, "an avionics device" on line 2 of claim 27 should be "said avionics device". Likewise, "an authorization code" on line 2 of claims 29-31 should be "said authorization code". Further, "the device" on line 2 of claim 29 should be "a device".

Finally, on line 3 of claim 32, "the frequency" should be "the private frequency" to be consistent.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 10-20, 17-21, 24, 27, 35-36 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson et al (patent no. 6381538).

As per claims 1, 10, 17, 27, 35, 36 and 38, figures 1 and 4 of the Robinson et al reference clearly disclose the claimed avionics device/navigation system, method for receiving/transmitting data updates with/to an avionics device as well as the computer readable

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medium for transmitting the update information to the avionics devices including a processor (item 410 in fig. 4), a memory (item 430 in fig. 4) in communication with the processor, a receiver (item 112 in fig. 1) to receive the update information (item 120 in fig. 1) from a remote transmitter (item 130).

As per claims 2 and 24, the claimed update information including the global positioning system data is taught in column 6, lines 65-66 of the Robinson et al reference.

As per claims 3-4, 14 and 20-21, the claimed update navigation and navaid data are taught in column 12 of the Robinson et al reference.

As per claims 10-11, the additionally claimed relay means includes a transceiver positioned on the satellite is shown in item 335, figure 3 of the Robinson et al reference.

As per claim 12, the claimed transceiver positioned on a land based structure is shown in item 330, figure 3 of the Robinson et al reference.

As per claim 13, the claimed receiver located remotely from the avionics device is shown in item 330, figure 3 of the Robinson et al reference.

As per claim 18, the claimed radio signal transmitted from a satellite is shown in item 135, figure 1 of the Robinson et al reference.

As per claim 19, the claimed radio signal transmitted from a land based remote transmitter is shown in item 130, figure 1 of the Robinson et al reference.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-9, 15-16, 22-23, 25-26, 28-34, 37 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al (patent no. 6381538).

As per claims 5 and 22-23, it would have been obvious for one skilled in the art that the additionally claimed operation system data and airport map data can be updated in a similar manner in which the terrain and navaid map data are being updated as taught in col. 12 and figure 6 of the Robinson et al reference.

As per claims 6-7 and 39-40, the Robinson et al reference in col. 6, lines 44-57 discloses that various antennas can be used in the receiver to receive data transmitted by various frequencies. Hence, it would have been obvious for one skilled in the art that such frequencies can include the frequency ranges as recited in the aforementioned claims.

As per claims 8-9, 15-16, 25-26, 33-34 and 41-42, it is noted that the exact nature of the receiver has not been disclosed in the Robinson et al reference. However, it would have been readily apparent for one skilled in the art that any receiver including the well known and commercially available ADS-B receiver and UAT datalink receiver can be employed in their system to receive the transmitted data.

As per claims 28-32, it is noted that the claimed authorization code has not been disclosed in the Robinson et al reference. However, it would have been readily apparent for one skilled in the art to provide such well-known authorization code to provide a layer of security to restrict the access to the transmitted and received data as required.

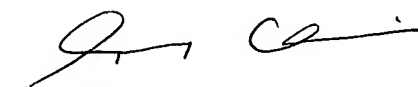
6. The additional references are cited to show the related system(s). Applicant(s) should consider them carefully when responding to the current office action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (571) 272-6959. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



GARY CHIN
PRIMARY EXAMINER